

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
CRIMINAL ACTION NO. 5:04-CR-00018-KDB-DSC**

UNITED STATES OF AMERICA,

Plaintiff,

v.

FREDRICK LAMONT MUNGRO,

Defendant.

ORDER

THIS MATTER is before the Court of Defendant Frederick Lamont Mungro's *pro se* Motion for Application of the First Step Act of 2018. (Doc. No. 587) ("Motion"). In the Motion, Defendant requests a reduction of his supervised release term.

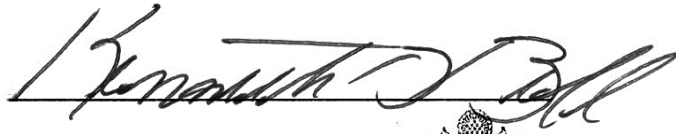
Defendant was originally sentenced in June 2008 to life imprisonment. (Doc. No. 369). Defendant's sentence was later vacated because two of his prior drug convictions no longer constituted felony convictions for federal sentencing purposes under *United States v. Simmons*, 635 F.3d 140 (4th Cir. 2011). He was resentenced on June 2, 2014. *See* (Doc. No. 520).

At the time of his resentencing, one of Defendant's prior convictions remained valid for the purposes of 21 U.S.C. § 851. His statutory penalties at the time of resentencing were reduced to 10 years to life imprisonment and at least 8 years of supervised release under 21 U.S.C. §§ 841(b)(1)(B) and 851. The Court resentenced Defendant to 130 months' imprisonment and all other findings were reimposed. Therefore, Defendant received the benefit of the Fair Sentencing Act at the time of his resentencing and is not eligible for a further reduction under the First Step Act.

IT IS THEREFORE ORDERED that Defendant's Motion for Application of the First Step Act, (Doc. No. 587), is **DENIED**.

The Clerk is directed to certify copies of this order to Defendant, to the United States Attorney, the United States Marshals Service, and the United States Probation Office.

Signed: April 1, 2020

A handwritten signature in black ink, appearing to read "Kenneth D. Bell", written over a horizontal line.

Kenneth D. Bell
United States District Judge

